

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5116-04  
Bill No.: Truly Agreed To and Finally Passed SS for SCS for HB 1251  
Subject: Auditor, State; Boards, Commissions, Committees, Cities, Towns, Villages;  
Construction and Building Codes; Contracts and Contractors; Councils; Counties;  
Emergencies; Environmental Protection; Fees; Mining and Oil and Gas  
Production; Natural Resources Dept.; Newspapers and Publications; Parks and  
Recreation; Public Safety Dept; Roads and Highways; Surveyors; Transportation;  
Utilities; Waste-Hazardous; Waste-Solid; Water Resources and Water Districts  
Type: Original  
Date: June 14, 2012

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Bill Summary: This proposal changes the laws regarding the Department of Natural Resources.

**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 29 pages.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
Environmental Radiation Monitoring	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
Vehicle Revolving	(\$2,963)	(\$2,963)	(\$2,963)
Highway	(\$18,369)	(\$18,369)	(\$18,369)
Chemical Emergency Preparedness	\$665,020	\$798,024	\$798,024
Safe Drinking Water	\$0 to \$3,833,333	\$0 to \$4,600,000	\$0 to \$4,600,000
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0 to \$3,833,333</b>	<b>\$0 to \$4,600,000</b>	<b>\$0 to \$4,600,000</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
Federal	(\$773)	(\$773)	(\$773)
Drinking Water State Revolving	\$12,000,000 to \$18,000,000	\$12,000,000 to \$18,000,000	\$12,000,000 to \$18,000,000
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$12,000,000 to \$18,000,000</b>	<b>\$12,000,000 to \$18,000,000</b>	<b>\$12,000,000 to \$18,000,000</b>

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<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☒ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Solid Waste Management Districts	(Unknown)	\$0	\$0

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### *Section 29.380 - Audits of Solid Waste Districts*

Officials at the **Department of Natural Resources (DNR)** assumes this proposed section would give the State Auditor the authority to audit solid waste management districts created under section 260.305 in the same manner as the Auditor may audit any agency of the state.

DNR assumes beginning August 28, 2012, the State Auditor shall conduct an audit of each solid waste management district created under section 260.305 and thereafter shall conduct audits of each solid waste management district created under section 260.305 as he or she deems necessary.

DNR states this section appears duplicative of Section 260.325.10 that states the state auditor may examine the findings of such audits and conducts audits of the solid waste management districts.

Officials at the **District K Solid Waste Management District (District K)** assumes DNR already requires that any solid waste district that receives more than \$200,000 per year from the Solid Waste Management Fund must conduct an independent financial audit every year and submit it to DNR for review. Those districts that receive less than \$200,000 per year must conduct an independent financial audit every two years and submit the results to DNR for review. DNR conducts compliance audits of every solid waste management district every three years.

District K states DNR Solid Waste Management Program General Terms and Conditions, Attachment 2; 10 CSR 80-9 - DNR already permits that all solid waste management district records are open to the State Auditor's office upon request.

District K states 20 solid waste management districts across the state that would be affected by this state auditor requirement.

ASSUMPTION (Continued)

District K states it will cost the district \$20,000 - \$25,000 in staff time expenses and reimbursements to the State Auditor for the cost of the audit. An estimated 80 district staff hours to prepare for the state audit and provide assistance to the state audit staff. The district contracts for staff and the current hourly rates are as follows: Clerical - \$40 per hour; Technical - \$50 per hour; Management - \$54 per hour; assistant director - \$56 per hour; and executive director - \$72 per hour. The number of hours for district staff is an estimation based on experience with independent auditors in the past. The \$15,000 costs to be paid to the State Auditor are an estimation based on the cost to small local communities that have recently been audited by the State Auditor.

District K estimates a cost of \$19,400 to local funds as a result of this section.

Officials at the **Office of the State Auditor (SAU)** assumes this proposed section would require 3 additional FTE.

Officials at the **Office of Administration- Division of Budget and Planning (BAP)** assumes this section allows the SAU to be reimbursed for audits of solid waste districts. BAP states this does not affect total state revenue.

**Oversight** assumes an effort to coordinate the financial and performance audits, as required in Section 260.325.10 RSMo, would be made with the SAU, DNR, and the Solid Waste Management Districts to prevent a duplication of work.

**Oversight** assumes costs incurred by the SAU would be reimbursed by the Solid Waste Management Districts.

**Oversight** assumes no fiscal impact to the SAU and General Revenue with an unknown cost to local Solid Waste Management Districts in FY 2013 for the required SAU review.

ASSUMPTION (Continued)

*Sections 59.319 - 60.620 - Land Survey Program*

Officials at the **Department of Natural Resources (DNR)** assumes this proposal will require no more than ten percent of all moneys collected under this subsection to pay for state and department administrative cost allocation. All income, interest, and moneys earned from such investments shall be deposited into the Missouri Land Survey Fund.

DNR assumes this would result in an estimated cost allocation reduction of \$207,911 in FY13. The state's central services, department administrative activities, and information technology activities such as the land survey index would be reduced. Some of these services may be direct billed, or other replacement funding sources such as general revenue would have to be requested.

**Oversight** assumes DNR would absorb the cost allocation reduction of \$207,911 in FY13 or direct bill these costs.

*Section 59.319:*

DNR state this section would create the Missouri Land Survey Fund in which to deposit the existing \$1 fee to be utilized for the purposes of sections 60.510 to 60.620 and section 60.670. The state treasurer would be custodian of the fund and would approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo.

*Section 60.540:*

DNR assumes this section would give DNR the authority to purchase property for the establishment of an office for the Land Survey Program. If additional office(s) are established by the program, this could lead to increased administrative costs and increase maintenance and capital improvement costs.

*Section 60.570:*

DNR state this section would allow the land survey program to establish regional offices in the metropolitan areas of the state for the storage and distribution of local survey record information. If additional office(s) are established by the program, this could lead to increased administrative costs and increase maintenance and capital improvement costs.

ASSUMPTION (Continued)

DNR assumes an unknown fiscal impact for this section due to variables associated with how many offices may be established and associated needs for each office. If additional office(s) are established by the program this could lead to increased administrative costs and increase maintenance and capital improvement costs.

*Section 60.620:*

DNR states this section would establish a new Land Survey Commission to replace the Land Survey Advisory Committee and would increase membership from 5 to 7 members.

*Land Survey Program as a Whole:*

DNR assumes an unknown overall fiscal impact from the Land Survey Program due to variables associated with how many offices may be established and associated needs for each office. If additional office(s) are established by the program this could lead to increased administrative costs and increase maintenance and capital improvement costs.

**Oversight** assumes any administrative costs and costs for the reimbursement of new commission members could be absorbed through the existing land survey user fees and existing appropriation.

**Oversight** assumes this proposal states the Land Survey Program may establish and maintain regional offices in metropolitan areas for the storage and distribution of local survey record information.

**Oversight** assumes this program already exists and DNR has regional offices for storage and distribution of local survey record information throughout the state at its current locations. If DNR seeks to establish separate regional offices for the Land Survey Program then additional funding for the administrative costs and office space may be requested through the normal appropriation process at that time.

ASSUMPTION (Continued)

*Section 67.4505 - County Drinking Water Supply Lake Authorities*

Officials from the **State Tax Commission** and **Department of Natural Resources** each assume the current proposal would not fiscally impact their respective agencies.

**Oversight** assumes this proposed section creates a county drinking water supply lake authority in Christian County to promote the general welfare and a safe drinking water supply through the construction, operation and maintenance of a drinking water supply lake in the county. This proposal is discretionary and would have no local fiscal impact without action by the governing body.

*Section 259.010 - 259.070 - State Oil & Gas Council*

Officials at the **Department of Natural Resources (DNR)** assumes the proposed section creates an advisory committee to the oil and gas council that will be administered by the **Division of Geology and Land Survey (DGLS)**. In addition, the proposed statute creates additional duties for the division in the areas of meeting coordination, information gathering, and report preparation, additional meetings, oil and gas council coordination, systematic review of statutes and rules and rulemaking. DNR requests one additional Geologist III FTE to support this effort.

**Oversight** assumes the formation of an advisory committee to the oil and gas council to help it conduct its annual law review is permissive but not mandatory.

**Oversight** assumes the State Oil and Gas Council conducts meetings, publishes rules and regulations that apply to oil and gas drilling and production operations.

**Oversight** assumes any additional duties created by this section would be part of the normal responsibilities of the State Oil and Gas Council and would be included in the department's normal appropriation. In the event the advisory committee is created or a substantial increase in duties occurs as a result of this section DNR may request additional funding through the normal appropriation process. For the purpose of the fiscal note, Oversight will reflect no fiscal impact to DNR from this section.



ASSUMPTION (Continued)

*Sections 260.255 - Recycling Targets for Newspaper Publishers*

Officials at the **Department of Natural Resources (DNR)** assumes this proposal has the potential to positively impact small publishing businesses that publish a newspaper with a daily distribution of 15,000 or more on the first day published.

DNR assumes the economic impact of the proposed legislation would be positive as publishers would no longer be spending time to report information on recycled content newsprint used by the publication and the cost of time spent completing any associated waiver requests.

DNR state over the past 3 years, DNR has seen a steady decline in the print publications within the state required to report recycled content as evidenced by the number of certified letters mailed.

DNR state the department received 102 letters in CY 2008, 88 in CY 2009, 69 in CY 2010 and 67 in CY 2011 from newspaper publishing companies.

DNR state from the responses received thus far for CY 2011, the Department is aware several more newspaper publications will no longer meet the requirements for submitting information.

DNR assumes the proposed repeal of 260.255 RSMo will allow a minimal amount of one staff person's time to be redirected towards other environmental tasks within the Solid Waste Management Program (SWMP). The SWMP would see a minimal reduction in expenses related to the cost associated with certified mailings from newspaper publications.

**Oversight** assumes there is no fiscal impact from this section on state or local government funds.

*Section 260.330 - Solid Waste Landfill Fees*

Officials at the **Department of Natural Resources (DNR)** assumes this proposal limits the ability of the department to increase the solid waste tonnage fee with the exception being an annual increase based upon the CPI or its successor index on only the department's 39% share of the fees.

DNR assumes Solid Waste Management Districts fund local grants that are made available to small and large businesses, municipalities, and individuals for reduce/reuse/recycle projects.

ASSUMPTION (Continued)

DNR states the department does not receive any General Revenue funds for solid waste activities and assumes this proposal would only impact Total State Revenue if the department has a need to increase the solid waste tonnage fee at a rate greater than the annual increase in the CPI.

DNR states the total tonnage entering landfills is decreasing.

DNR states since the department is allowed to retain only 39% of the solid waste tonnage fees, the remaining fees are statutorily required to be distributed as follows: \$800,000 to Environmental Improvement and Energy Resources Authority's Market Development Program and 61% + \$200,000 to the 20 solid waste management districts, the potential exists in the future for the department to become unable to provide all services required by statute due to revenues being less than needed to operate the program.

DNR assumes the exact fiscal impact and the point at which solvency of the program will become an issue to the department is unknown.

In response to the previous version of this proposal, officials at the **St. Louis - Jefferson Solid Waste Management District**, **Mid America Regional Council Solid Waste Management District**, and **Region M Solid Waste Management District (SWMD)** each state the Solid Waste Management Fund was created in 1990 with an established fee of \$1.50 per ton for waste disposed in Missouri landfills. The original fee could be adjusted by inflation according to the consumer price index. In 2005 the fee was capped at \$2.11 per ton with an expiration date of October 1, 2014.

SWMD states a study was conducted by the University of Missouri that estimated if the cap on the waste disposal fee had not been implemented the current fee would be \$2.55 per ton, a difference of \$0.44 cents per ton from the capped fee.

SWMD assumes this proposal permanently caps solid waste management fees paid into the Solid Waste Management Fund which will reduce future resources available to support the recycling industry.

**Oversight** assumes this section will result in no change to DNR and SWMD solid waste tonnage fees. This proposed section only extends the October 1, 2014 end date for the annual adjustment for inflation cap on solid waste management fees to October 1, 2017.

**Oversight** assumes no fiscal impact from this proposed section.

ASSUMPTION (Continued)

*Section 260.373 - Hazardous Waste Rules*

Officials at the **Department of Natural Resources (DNR)** assume this proposed new section would limit the authority of the Commission to promulgate rules to implement the Hazardous Waste Management Law found in sections 260.350 to 260.434 RSMo. Other provisions of law notwithstanding, the Commission would only have authority to establish standards that are required under the federal Resource Conservation and Recovery Act (RCRA).

DNR state the federal act establishes a regulatory framework for hazardous waste generators, hazardous waste transporters, and permitted hazardous waste facilities. Section 260.373.1 of the proposal states that standards established by the commission shall not be any stricter than those required under RCRA.

DNR state once EPA has adopted rules at the federal level, states then adopt rules at the state level that are functionally equivalent to the federal rules on the same topic. The basic test applied by EPA in determining whether states meet the requirement to be authorized is that state programs may not be less stringent than the federal laws and regulations adopted under RCRA. States can be more stringent or broader in scope than EPA; they just cannot be less stringent.

DNR assumes Missouri, like many other states, implements the requirement of authorized states to be no less stringent by incorporating the federal regulations by reference. Missouri then modifies the federal regulations, and the state modifications are what constitute the majority of the hazardous waste rules found in Title 10, Division 25 of the Code of State Regulations. Because all that is required of authorized states is that they be no less stringent, any of the Missouri regulations could be determined to be prohibited by this bill as everything in the state rules either provides additional clarification, adds to, excludes from, or otherwise modifies the federal regulations that are incorporated by reference. None of this additional material is "required", so consistent with section 260.373.1, which limits the commission's authority to standards that are required under RCRA, the department anticipates that many of our existing state rules on hazardous waste would have to be repealed.

DNR assumes many of these rules have been developed to address situations that are either: 1) unique to Missouri; 2) that are otherwise unaddressed or incompletely addressed in the federal regulations; or 3) that are in response to statutory requirements developed by the legislature and signed into law. The state regulations that are stricter than federal were promulgated by the Hazardous Waste Management Commission to be responsive to the needs and concerns of citizens and to help prevent contamination of land, surface water, groundwater and air.

ASSUMPTION (Continued)

DNR assumes in reviewing the Missouri program as a whole, the EPA considers the state requirements that are more stringent when determining that the program as a whole is no less stringent, even though there are certain state regulations that are actually less stringent than what is required under federal regulations. It is likely that EPA would reconsider these provisions if Missouri's ability to offset the less stringent provisions of its program with additional state-specific requirements were eliminated.

**Oversight** assumes all rules would be set to maintain compliance with RCRA.

**Oversight** assumes any fees established in statute for the Hazardous Waste Program or Solid Waste Management Program as related to fees will remain the same.

**Oversight** assumes fees established by rule would be set to match the required costs of compliance with RCRA resulting in no additional fiscal impact from this proposed section on state or local funds.

*Section 260.392 - Transportation of Radioactive Waste*

Officials at the **Department of Natural Resources (DNR )** assumes the proposed changes would reduce the fees for all Highway Route Controlled Quantity (HRCQ) radioactive shipments from the current per “cask” fee to a per “truck” fee. This fee is projected to account for approximately 69% of the revenues to the Environmental Radiation Monitoring Fund (Fund 0656). The fee currently supports functions such as the Missouri State Highway Patrol escorts for such vehicles, safety, and radiation measurement and inspections by the Missouri Department of Health and Senior Services, equipment purchased to ensure radiation safety for the public, and training to first responders across the state that would respond to an accident involving those radioactive shipments.

DNR assumes currently, most of those functions are related to or conducted on HRCQ shipments, and the services that help protect the citizens of Missouri are supported by the transport fees.

DNR assumes without per cask fees on HRCQ shipments, there would be insufficient funding to provide these services. The impact due to the loss of these services could be expected to increase in future years when the fund balance is no longer sufficient to pay for any of these services, even the most critical. In order to continue to provide the necessary services, the department assumes other funding would be required. Absent an identified funding source, the department assumes General Revenue funding would be requested.

ASSUMPTION (Continued)

DNR assumes a revision of a per cask to a per truck basis for fees is anticipated to result in reduced revenues of approximately \$160,568. This is calculated based on an anticipated 40 shipments per year and average historic miles per shipment with no anticipation of increased High-level shipments in FY14-FY15.

Officials from the **Department of Transportation (MODOT)** deferred to the Department of Revenue for an estimate of the fiscal impact of this proposal.

Officials from the **Department of Transportation, Motor Carrier Services (MCS)** provided an estimate in response to a previous version of this proposal that approximately 60% of the 6,487 companies registered with their organization were common carriers, with the balance split between contract carriers and private carriers. MCS officials estimated that there were about the same number of contract carriers as private carriers.

Officials from the **Department of Health and Senior Services (DHSS)** noted that this proposal would make certain shipments exempt from transport fee provisions in current state law. DHSS defers to the Department of Natural Resources for an estimate of the revenue reduction to the Environmental Radiation Monitoring Fund.

DHSS assumes this proposed section could cause a decrease in revenue into the Environmental Radiation Monitoring Fund from fees collected for shipments. Other funding sources would need to be identified to support DHSS staff performing the required objectives if revenues decrease below the level of DHSS appropriation.

DHSS assumes costs for this program are supported by the Environmental Radiation Monitoring Fund. In FY 2012 to date, DHSS has incurred expenses of \$36,783; a majority of this cost was for inspections but approximately \$5,500 was spent on developing training. DHSS officials estimated that costs for personal services, training, and equipment for future fiscal years would increase to an estimated \$100,000 as shipments increase and required training of state and local emergency responders and health officials is implemented.

Officials from the **Missouri Highway Patrol (MHP)** assumes that the money currently being deposited from these escorts into Highway, Federal, and Vehicle Revolving funds would be discontinued, and instead a different amount of money (based on a different fee structure than we currently use) would go into the Environmental Radiation Monitoring fund.

ASSUMPTION (Continued)

MHP state to date in FY12, we have charged approximately \$22,105 for the escort of 29 trips. Of this amount, \$18,369 would have been deposited into Highway funds, \$2,963 would have been deposited into the Vehicle Revolving Fund, and \$773 would have been deposited into the Federal fund. Under this legislation, those deposits would not have gone into those funds.

MHP assumes under the new proposal, instead, the Patrol could charge up to \$500 per trip, plus a one-time annual payment of up to \$2,000. Since the Patrol currently contracts with one shipper (Nordion, a company in Canada), who then subcontracts with a variety of transporters, we assume that the \$2,000 payment would only come from Nordion since that's who we deal with directly. To date in FY12, the Patrol escorted 29 separate trips, with an average cost of \$762 per trip. Therefore, we assume we would charge the full \$500 per trip (which would still mean we would be losing money), as well as the one-time \$2,000 payment from Nordion.

\$2,000	One-time payment
\$14,500	\$500 per trip x 29 trips
\$16,500	Total

Officials at the **Office of Administration - Division of Budget and Planning (BAP)** assumes this section changes the current Chemical Emergency Preparedness Fund fee structure and therefore may affect total state revenue. BAP defers to DPS for an estimate of any impact on those calculations.

**Oversight** will include a revenue reduction of more than \$100,000 per year for the Environmental Radiation Monitoring Fund. A reduction of \$2,963 per year from the Vehicle Revolving Fund and a reduction of \$773 in Federal Funds for the elimination of the Highway Route Controlled Quantity fee.

*Section 292.606 - Collection of Hazardous Waste Fees*

Officials at the **Missouri State Emergency Management Agency (SEMA)** assume the current chemical preparedness fee will end August 28<sup>th</sup>, 2012. This proposal will allow the Missouri Emergency Response Commission (MERC) to continue to collect annual fees for hazardous material storage.

SEMA assumes an extension of the fee will allow continued support of safety training for first responders and local emergency planning commissions.

ASSUMPTION (Continued)

SEMA assumes each state is required to appoint a State Emergency Response Commission and collect Tier II data for planning and training of hazardous materials. Missouri has a fee that maintains this program with no cost to the state. If the fee expires, the state will continue to have to collect these forms as required by the Federal Emergency Planning and Community Right to Know Act, Title 42 Chapter 116.

SEMA assumes if employers opt-in to the section that allows their Tier II fees to be specifically distributed to LEPC's of their choosing, there will be an estimated revenue collection of \$0-\$90,000. The \$10 per facility fee will be used to cover actual expenses such as postage and paper/CD duplication. There will be no additional costs for labor.

SEMA state they have included these costs in there current budget and fees collected over the last two collections periods have increased by 2%.

SEMA assumes if the fee is extended the Department of Transportation and Department of Natural Resources will continue to pay their annual fees to the Chemical Emergency Preparedness Fund.

SEMA assumes the following revenue deposited into the Chemical Emergency Preparedness Fund from fee collections should the proposal become law.

FY13 = \$782,376  
FY14 = \$798,024  
FY15 = \$798,024

Officials at the **Office of Administration - Division of Budget and Planning (BAP)** assumes the current Environmental Radiation Monitoring Fund fee structure authorized under this section may affect total state revenue. BAP defers to DNR for an estimate of any impact on those calculations.

**Oversight** assumes costs for postage, paper, and CD duplication distributed to employers will be offset by the \$10 per facility fee charged to employers and paid through the Chemical Emergency Preparedness Fund.

**Oversight** assumes this proposal is an extension of the chemical preparedness fee. The chemical preparedness fee is not federally required by the Federal Emergency Planning and Community Right to Know Act, Title 42 Chapter 116. However, the underlying program the fee supports is required by the federal act.

ASSUMPTION (Continued)

**Oversight** assumes a positive fiscal impact to the Chemical Emergency Preparedness Fund of \$665,020 in FY 2013, \$798,024 in FY 2014, and \$798,024 as a result of this proposal. Under current law the fee will expire August 28<sup>th</sup>, 2012. This proposal extends the expiration of the fee to August 28<sup>th</sup>, 2018.

Officials at the **Department of Public Safety - Division of Fire Safety (DFS)** state chemical preparedness fees are collected for hazardous substances in the workplace and deposited in the Chemical Emergency Preparedness Fund (0587) of which DFS currently receives 10% of funds collected from this program since its inception with a cap of \$100,000.

DFS has received on average \$72,000 - \$78,000 annually from this fee.

DFS state these funds are used to provide at no-cost hazardous materials training to emergency responders. DFS contracts with various providers of hazardous materials training to provide training to emergency hazardous materials responders. Funds support on average 35 training courses annually to 2,200 responders.

DFS state chemical preparedness fees are the only funding source for these training programs provided at no-cost to responders.

Officials at the **Department of Natural Resources (DNR)** assumes this proposal would extend the chemical preparedness fee. Currently this fee is set to expire August 28, 2012.

DNR state the department does not have an appropriation for this fund, but currently, pursuant to section 640.235, 10% of all Natural Resource Damages (NRD) moneys collected by the department are required to be deposited into the chemical preparedness fund as referenced in this proposal.

DNR assumes if this fee is not extended, the 10% NRD requirement would still apply.

DNR assumes there is no fiscal impact from this proposed section.

Officials at the **Missouri Public Service Commission** and **Department of Transportation** each assumes there is no fiscal impact from this proposed legislation.



ASSUMPTION (Continued)

*Section 301.010, 304.033 - Recreational Off-Highway Vehicles Use*

Officials from the **Department of Revenue (DOR)** state this proposed section would permit persons to operate a vehicle defined as a "recreational off-highway vehicle" under section 301.010 (48) on public highways for certain purposes and under certain circumstances, i.e., within three miles of an operator's primary residence; by handicapped persons; by government entities for official use; and agricultural purposes or industrial on-site purposes (during daylight hours). Under subsection 3, requires valid driver's license for operation (except handicapped). Under subsection 3, such vehicle deemed to be a "motor vehicle" when operated on a public street or highway for Chapter 303 minimum financial responsibility or liability insurance purposes.

DOR estimates 40 hours of system testing for new conviction codes for an administrative analyst at \$24 per hour for a total of \$960.

Officials at the **Office of Administration - Division of Budget and Planning (BAP)** assumes this section authorizes new municipal and county fees for recreational off-highway vehicle permits and may affect 18E calculations.

**Oversight** assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the personal service cost related to these section.

*Section 304.120 - Commercial Thoroughfares in Municipalities*

Officials from the **Boone County Sheriff's Department** assume the current proposal would not fiscally impact their department.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Department of Natural Resources, Department of Transportation, Department of Public Safety - Missouri Highway Patrol, Department of Revenue and Office of the State Courts Administrator** each assume this proposed section would not fiscally impact their respective agencies.

**Oversight** assumes this proposal will require each municipality to require at least one street be available for use by commercial motor vehicles to access any roads in the state highway system. Oversight assumes this will not fiscally impact local governments.

ASSUMPTION (Continued)

*Sections 414.530 - 414.570 - Missouri Propane Education and Research Council*

Officials at the **Department of Natural Resources (DNR)** assumes the proposed section would remove the appointment authority from the Missouri Energy Center Director and transfer the appointment authority directly to the Missouri Propane and Research Council, following a public nomination period.

DNR assumes this proposal would remove the spending plan review authority from the director and transfer the spending plan approval authority to the council following a public comment period.

DNR assumes this proposal would remove the reporting requirement for council meeting minutes, books, and records; and removes the authority of the director to request any other information from the council and removes the responsibilities of the council to provide to the director notices of meetings, reports of activities of the council as well as reports on compliance, violations and complaints regarding the Missouri Propane Education and Research Council.

DNR assumes this proposal would remove cost reimbursement associated with the appointment process in accordance with the removal of the appointment authority.

DNR assumes the council annually sets assessments to sufficiently cover the costs of the plans and programs developed by the council and approved by the director. This proposal would remove the approval authority of the director and transfers this authority to the council, following a public comment.

DNR assumes the director may establish an alternate means to collect the assessments if another means is found to be more efficient and effective. The director is authorized to establish a late payment charge and rate of interest to be imposed on any person who fails to remit to the council any amount due. This proposal would repeal these authorities from the director and transfers these authorities to the council.

DNR assumes no fiscal impact from this proposed section.

**Oversight** assumes no fiscal impact from these proposed sections.

ASSUMPTION (Continued)

*Section 577.073 - Use of State Park Facilities*

Officials at the **Department of Natural Resources (DNR)** state this proposal would allow persons operating commercial and non-commercial vehicles use of roads and trails in Missouri's State Parks and Historic Sites, without permission or contractual arrangements from the department, for the purpose of transporting persons or vehicles, including, but not limited to bicycles and canoes.

DNR state the department is authorized to contract with small business to operate public services within Missouri's State Parks and Historic Sites.

DNR state currently, no person is permitted to use park facilities, buildings, trails, roads or other state park property for commercial use except by written permission or concession contract with DNR.

DNR assumes many of the concessionaire contracts the department operates under, include the use of watercraft rentals which the department receives a portion of revenue.

DNR assumes allowing canoe rental organizations to utilize state parks could potentially take away revenue received by the department from the parks that have watercraft services.

DNR assumes by allowing this exemption, the concessionaire operating the services at the park could see reduced sales of items such as watercraft and bicycle rentals. Allowing canoe rental organizations to utilize state parks could potentially take away revenue received by DNR from the parks that have watercraft services. The department receives approximately \$100,000 in annual revenue through the use of watercraft rentals.

**Oversight** assumes this proposal would allow commercial and noncommercial organizations to use trails and roads within Missouri State Parks for the purpose of transporting persons and vehicles, including but not limited to bicycles and canoes.

**Oversight** assumes any costs related to this proposal would be minimal and could be absorbed by DNR, if DNR experiences a significant increase in costs or a reduction in revenue as a result of this proposal, the department may request additional funding through the normal appropriation process.

**Oversight** assumes this proposal contains an emergency clause with an effective date upon passage and approval.

*Section 621.250 - Administrative Hearing Commission*

Officials at the **Administrative Hearing Commission (AHC)** assume this section increases the amount of time to complete each case filed with the commission.

AHC assumes this section may provide some incentive for additional cases to be filed. AHC requests a commissioner, two attorneys, a paralegal, two court reporters, and two senior staff assistants to meet this deadline. AHC would also require additional computers and Westlaw expenses for additional staff.

Officials at the **Department of Natural Resources (DNR)** state with the exception of the Land Recreation Program, the AHC receives appeal cases related to orders and permit decisions.

DNR assumes this section would not cause an increase in the number of cases referred to the AHC and would result in no fiscal impact.

Officials at the **Office of the Attorney General (AGO)** assume that the revision of this section may cause an increase in the number of appeals it would receive from DNR and that it would need an additional AAG I to handle the increased caseload.

**Oversight** assumes these costs could be absorbed by the AGO as part of its normal duties and responsibilities.

**Oversight** assumes there is no fiscal impact from this proposed section on the AHC as DNR has indicated they don't anticipate an increase in cases filed to the AHC as a result of this proposed section.

*Section 640.018 - Issuance of Environmental Permits*

Officials at the **Department of Natural Resources (DNR)** assumes no fiscal impact from this proposed section.

**Oversight** assumes state law requires DNR to issue an environmental permit within a certain timeframe and the department fails to do so, it must issue the permit on the first day following the expiration of the timeframe. The act modifies this provision so that the requirement to automatically issue the permit only applies at the request of the permit applicant.

**Oversight** assumes there is no fiscal impact from this proposed legislation on state or local government funds.

ASSUMPTION (Continued)

*Section 640.100 - Safe Drinking Water Act Fees*

Officials at the **Department of Natural Resources (DNR)** assume current law contains a September 1, 2012 sunset for collecting the drinking water primacy fee. This fee generates approximately \$4.6 million in revenues annually to the Safe Drinking Water Fund. This proposal would extend the sunset date until September 1, 2017. The proposed legislation does not change the department's authority but would continue to fund an existing program.

**Oversight** assumes under federal law only states that maintain their primacy delegation qualify for federal capitalization grants for the Drinking Water State Revolving Fund (DWSRF). The extension of the primacy fee will continue to draw down federal matching grants of \$12,000,000 to \$18,000,000 per fiscal year to the DWSRF.

*Section 643.130 - Judicial Review of Environmental Permits*

Officials at the **Department of Natural Resources (DNR)** assumes no fiscal impact from this proposed section.

**Oversight** assumes this section limits the requirement that all actions filed in a court of law seeking judicial review of final decisions made by the Air Conservation Commission must be made in the court of appeals rather than in the circuit court to actions related to certain types of permits.

**Oversight** assumes there is no fiscal impact from this proposed section.

*Section 643.225 - Asbestos Abatement*

Officials at the **Department of Natural Resources (DNR)** assume any entity who applied, paid for, and obtained the asbestos business exemption as made previously available until the passage of HB 89 in 2011; would be eligible to obtain the asbestos business exemption again, after passage of this proposal, and would not be required to pay the requisite \$250 fee. Any new entities wishing to apply for and obtain the exemption would be required to pay the one-time fee of \$250 upon application.

DNR state it does not foresee a large number of entities wishing to pursue this exemption as the program has not received a new applicants since 2010. DNR is unaware of any potential new applicants, and therefore assumes no fiscal impact as a result of this proposal.

ASSUMPTION (Continued)

Officials at the **Office of Administration - Division of Budget and Planning (BAP)** assumes this section would change the current asbestos air pollution control fee structure by creating a new fee and may affect total state revenue and 18E calculations. BAP defers to DNR for an estimate of any impact on those calculations.

**Oversight** assumes there is no fiscal impact from this proposed section.

*Section 644.016 - 644.051 - Water Pollution Control*

Officials at the **Department of Natural Resources (DNR)** assume these provisions add a definition of a general permit template, change the Clean Water Commission's procedure for receiving public comment on rulemaking, and modify the Department's procedures for administering general permits.

DNR assumes no fiscal impact from these proposed sections.

**Oversight** assumes no fiscal impact from these proposed sections.

*Section 643.130, 644.071 - Judicial Review of Water Permits*

Officials at the **Department of Natural Resources (DNR)** assumes no fiscal impact from this proposed section.

**Oversight** assumes current law requires any actions filed in a court of law seeking judicial review of final decisions made by the Clean Water Commission to be made in the court of appeals rather than in the circuit court. The act limits this requirement to only actions seeking judicial review of decisions relating to water pollution control permits for utilities; otherwise the action shall be filed in circuit court.

**Oversight** assumes there is no fiscal impact from this proposed legislation on state or local government funds.

*Section 644.145 - Affordability Findings*

Officials at the **Department of Natural Resources (DNR)** assumes this provision clarifies that the affordability finding applies to public facilities, adds stormwater to the types of permits requiring a finding, and adds exemptions from findings in some cases. DNR assumes no fiscal impact.

ASSUMPTION (Continued)

**Oversight** assumes there is no fiscal impact from this proposed legislation on state or local government funds.

*Section 650.230 - Pressure Vessels*

Officials at the **Department of Natural Resources (DNR)** assumes there is no fiscal impact from this proposed section.

**Oversight** assumes under current law, pressure vessels located in a place of public assembly that do not exceed 5 cubic feet in volume and 250 pounds per square inch gauge are exempt from otherwise applicable state regulations. The proposed section changes the 5 cubic feet criteria to 10 cubic feet for this exemption.

**Oversight** assumes no fiscal impact from this proposed section.

*Section 701.550 - Anemometer Towers*

Officials at the **Department of Natural Resources (DNR)** does not anticipate a fiscal impact from this proposed section.

Officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of improper installation of an anemometer tower, a new Class B misdemeanor.

SPD assumes while the number of new cases may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation.

**Oversight** assumes SPD could absorb any costs related to this proposed section.

**Oversight** assumes this proposed section allows certain safety marking of anemometer towers (wind speed testing towers) that are located outside of city limits and that are 50 feet or more in height. Owners of anemometer towers in existence as of August 28, 2012, are given until January 1, 2014, to comply with the sections requirements.

**Oversight** assumes no fiscal impact from this section as the owner of an anemometer tower would be responsible for the cost of compliance.

ASSUMPTION (Continued)

*Bill as a Whole*

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials at the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials at the **Department of Agriculture, Department of Economic Development, Department of Public Safety - Division of Fire Safety, Missouri State Highway Patrol, Office of Administration - Division of Budget and Planning, Office of State Courts Administrator, Department of Mental Health, Department of Conservation, State Treasurer's Office, Department of Labor and Industrial Relations, and Missouri Tax Commission** each assumes there is no fiscal impact from this proposed legislation.



<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
<b>ENVIRONMENTAL RADIATION MONITORING FUND</b>			
<i>Section 260.392 - Transportation of Radioactive Waste</i>			
<u>Revenue reduction</u> - Transport fee elimination	(More than <u>\$100,000</u> )	(More than <u>\$100,000</u> )	(More than <u>\$100,000</u> )
<b>ESTIMATED NET EFFECT TO THE ENVIRONMENTAL RADIATION MONITORING FUND</b>	<b><u>(More than \$100,000)</u></b>	<b><u>(More than \$100,000)</u></b>	<b><u>(More than \$100,000)</u></b>
<b>VEHICLE REVOLVING FUND</b>			
<i>Section 260.392 - Transportation of Radioactive Waste</i>			
<u>Revenue Reduction</u> - Transport fee elimination	<u>(\$2,963)</u>	<u>(\$2,963)</u>	<u>(\$2,963)</u>
<b>ESTIMATED NET EFFECT TO THE VEHICLE REVOLVING FUND</b>	<b><u>(\$2,963)</u></b>	<b><u>(\$2,963)</u></b>	<b><u>(\$2,963)</u></b>
<b>HIGHWAY FUND</b>			
<i>Section 260.392 - Transportation of Radioactive Waste</i>			
<u>Revenue Reduction</u> - Transport fee elimination	<u>(\$18,369)</u>	<u>(\$18,369)</u>	<u>(\$18,369)</u>
<b>ESTIMATED NET EFFECT TO THE HIGHWAY FUND</b>	<b><u>(\$18,369)</u></b>	<b><u>(\$18,369)</u></b>	<b><u>(\$18,369)</u></b>

<u>FISCAL IMPACT - State Government</u> (Continued)	FY 2013 (10 Mo.)	FY 2014	FY 2015
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**CHEMICAL EMERGENCY  
 PREPAREDNESS FUND**

*Section 292.606 - Collection of  
 Hazardous Waste Fees*

<u>Revenue</u> - Chemical Preparedness Fee Extension	<u>\$665,020</u>	<u>\$798,024</u>	<u>\$798,024</u>
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<b>ESTIMATED NET EFFECT ON          CHEMICAL EMERGENCY          PREPAREDNESS FUND</b>	<b><u>\$665,020</u></b>	<b><u>\$798,024</u></b>	<b><u>\$798,024</u></b>
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**SAFE DRINKING WATER FUND**

*Section 640.100 - Safe Drinking Water  
 Act Fees*

<u>Revenue</u> - Primacy Fees	<u>\$0 to \$3,833,333</u>	<u>\$0 to \$4,600,000</u>	<u>\$0 to \$4,600,000</u>
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<b>ESTIMATED NET EFFECT ON          SAFE DRINKING WATER FUND</b>	<b><u>\$0 to \$3,833,333</u></b>	<b><u>\$0 to \$4,600,000</u></b>	<b><u>\$0 to \$4,600,000</u></b>
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<u>FISCAL IMPACT - Federal Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
<b>FEDERAL FUND</b>			
<i>Section 260.392 - Transportation of Radioactive Waste</i>			
<u>Revenue Reduction</u> - Transport fee elimination	<u>(\$773)</u>	<u>(\$773)</u>	<u>(\$773)</u>
<b>ESTIMATED NET EFFECT TO THE FEDERAL FUND</b>	<b><u>(\$773)</u></b>	<b><u>(\$773)</u></b>	<b><u>(\$773)</u></b>
<b>DRINKING WATER STATE REVOLVING FUND</b>			
<i>Section 640.100 - Safe Drinking Water Act Fees</i>			
<u>Revenue</u> - Federal Capitalization Grants	<u>\$12,000,000 to \$18,000,000</u>	<u>\$12,000,000 to \$18,000,000</u>	<u>\$12,000,000 to \$18,000,000</u>
<b>ESTIMATED NET EFFECT ON DRINKING WATER STATE REVOLVING FUND</b>	<b><u>\$12,000,000 to \$18,000,000</u></b>	<b><u>\$12,000,000 to \$18,000,000</u></b>	<b><u>\$12,000,000 to \$18,000,000</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
<b>SOLID WASTE MANAGEMENT DISTRICTS</b>			
<i>Section 29.380 - Audits of Solid Waste Districts</i>			
<u>Cost</u> - Reimbursement costs paid to the State Auditor			
<b>ESTIMATED NET EFFECT ON SOLID WASTE MANAGEMENT DISTRICTS</b>	<b><u>(Unknown)</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

### FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

### FISCAL DESCRIPTION

#### *Section 29.380 - Audits of Solid Waste Districts*

This proposal requires the State Auditor to conduct an audit of each solid waste management district in the state. The State Auditor may request reimbursement for the cost of the audit from the solid waste management district.

#### *Section 260.392 - Transportation of Radioactive Waste*

This proposal exempts all highway route controlled quantity shipments of radioactive materials from the fees for transporting radioactive waste. The act further provides that carriers transporting highway route controlled quantities of radioactive material that have been subject to federal inspection, and have passed federal inspection, shall not be subject to additional inspections. The Missouri Highway Patrol must establish procedures and fees to provide for reimbursement of state escort services provided for shipments of highway route controlled quantities of radioactive materials. Fees may not exceed \$500 per trip or \$2,000 per year. Revenue from the fees shall be credited to the Environmental Radiation Monitoring Fund, to be used by the Department of Natural Resources for related activities.

Current law requires fees for transporting radioactive waste to be paid before shipment; the act makes fees due after shipment.

#### *Section 292.606 - Collection of Hazardous Waste Fees*

The collection of fees for hazardous waste in the workplace, which fund the Missouri Emergency Response Commission, is authorized until August 28, 2012. This bill extends the authorization until August 28, 2022.

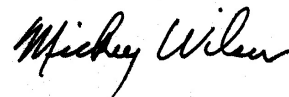
#### *Section 640.100 - Safe Drinking Water Act Fees*

This proposal extends, from September 1, 2012, to September 1, 2017, the authorization for the Department of Natural Resources to impose fees for the implementation, administration, and enforcement of the federal Safe Drinking Water Act.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Administrative Hearing Commission  
Department of Agriculture  
Attorney General Office  
Boone County Sheriff  
Department of Conservation  
Department of Economic Development  
Department of Health and Senior Services  
Department of Labor and Industrial Relations  
Department of Mental Health  
Department of Natural Resources  
Department of Public Safety – Division of Fire Safety  
Department of Revenue  
Department of Transportation  
Harrison County Health Department  
Joint Committee on Administrative Rules  
Mid America Regional Council (MARC) Solid Waste Management District  
Missouri Highway Patrol  
Missouri State Emergency Management Agency  
Office of Administration - Division of Budget and Planning  
Office of Secretary of State  
Office of State Courts Administrator  
Office of the State Auditor  
Region K Solid Waste Management District  
Region M Solid Waste Management District  
St. Louis - Jefferson Solid Waste Management District  
State Tax Commission  
State Treasurer's Office  
State Public Defender's Office



Mickey Wilson, CPA  
Director  
June 14, 2012